United Nations S/AC.47/2005/7

Security Council

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20 July 2005
English
Original: Spanish

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 18 July 2005 from the Permanent Mission of Costa Rica to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Costa Rica to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and has the honour to refer to his note SCA/05(14) requesting information on measures taken by Costa Rica to implement this resolution. In this connection, the Permanent Mission of Costa Rica has the honour to report the following:

1. Since Costa Rica has barely any relations with the Sudan, it can provide very little information in this regard.

2. Concerning the arms embargo, Costa Rica does not export weapons. In this connection, Costa Rica does not sell, nor has it sold, arms to Sudan; it offers no form of technical assistance with regard to arms; and it does not serve, nor has it served, as a transit country for arms trafficking to Sudan. Attached is a certificate from the Director-General of Arms of the Ministry of Public Security of Costa Rica, Mr. Francisco Ocampo Zamora (see annex).

3. As for the travel ban, nationals of the Sudan must have a visa to enter Costa Rica. This visa is restricted and must be approved — expressly and in advance — by the Director-General of Migration. The General Migration Directorate maintains an updated database with the lists of individuals subject to travel bans drawn up by the subsidiary bodies of the Security Council. Entry visas will thus be denied to visa applicants appearing on these lists.

4. The lists of individuals subject to the assets freeze by the subsidiary bodies of the Security Council have been communicated to the Office of the Superintendent of Financial Institutions (SUGEF), which is the oversight body of the national banking system. SUGEF requests all national banks to notify it if any of the individuals identified on these lists is a customer of theirs. Thus far, SUGEF has determined that none of the individuals identified on the Security Council lists is a customer in the national banking system. However, it should be noted that, in order for Costa Rica to freeze assets, a judicial decision must be handed down by the competent judicial authority. Should it be determined that an individual on the Security Council lists has assets in Costa Rica, SUGEF would have to assess the situation on a case-by-case basis.

05-43260 (E) 250705 250705

Annex to the note verbale dated 18 July 2005 from the Permanent Mission of Costa Rica to the United Nations addressed to the Chairman of the Committee

Certificate from the Director-General of Arms of the Ministry of Public Security of Costa Rica

In reference to your letter DGPE/DPM-528-08-05/VMO of 6 July 2005, I certify that Costa Rica does not sell, nor has it sold, nor has it offered technical assistance or served as a transit point for the shipment of any type of weapon to any country, much less Sudan (Africa).

Issued in the city of Coronado at 2 p.m. on 6 July 2005.

(*Signed*) Francisco Ocampo **Zamora**
Acting Director-General of Arms

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 20 July 2005 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and, with reference to operative paragraph 3 (a) (vi) of resolutions 1591 (2005), has the honour to submit the attached information regarding the actions taken by the Republic of South Africa to implement effectively the measures imposed by resolution 1591 (2005) (see annex).

05-43266 (E) 220705

Annex to the note verbale dated 20 July 2005 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

Report by the Government of South Africa to the Security Council Committee regarding the monitoring of Member States' compliance with Security Council resolution 1591 (2005) on the Sudan

Introduction

This report by the Government of South Africa is submitted pursuant to operative paragraph 3 (a) of United Nations Security Council Resolution 1591 (2005), requesting Member States to report to the Security Council Committee on the Sudan, on the actions they have taken to implement the measures imposed by the resolution.

Action taken by the South African Government in terms of the implementation of the arms embargo on the DRC

The regulation of arms transfers in South Africa is undertaken by the National Conventional Arms Control Committee (NCACC) in terms of the following legislation:

1. The National Conventional Arms Control (NCAC) Act, which was promulgated on 1 May 2003 to replace the Armaments Development and Production Act (Act No. 57 of 1968).

The Act enables the NCACC to ensure the implementation of a legitimate, effective and transparent control process, which would foster national and international confidence in the control procedures. The NCAC Act provides the legal framework to establish, apply and ensure a legitimate, effective and transparent control process which conforms to international law, norms and practices, as well the international obligations and commitments of the Republic with regard to United Nations Security Council arms embargoes.

The Act lays down a set of criteria and guiding principles to be used in the assessment of conventional arms transfers. These criteria and guiding principles are based on internationally accepted norms and, inter alia, include consideration of human rights and fundamental freedoms, the adherence to international treaties' and agreements. These criteria stipulate, amongst others, that the NCACC must:

a) Avoid endangering regional and international peace and stability by introducing destabilising military capabilities into a region, which could aggravate or prolong any existing armed conflicts;

b) Adhere to international law, norms and practices and the international obligations and commitments of South Africa, including United Nations arms embargoes; and

c) Avoid contributing to terrorism and crime.

2. The Firearms Control Act (Act No. 60 of 2000).

In terms of Section 73 of this Act, no person may import or export firearms and ammunition without the necessary permit. The Act, as well as the NCAC Act, makes provision for the NCACC to authorise the export of firearms and ammunition against the set criteria contained in the NCAC Act.

The NCACC has not authorised the transfer of arms to any of the conflict groups or parties in the Sudan, in accordance with the provisions of resolution 1591 (2005).

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Letter dated 28 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraph 3 (a) of Security Council resolution 1591 (2005) and the note verbale from the Chairman of the Sudan sanctions Committee, I attach the report of Her Majesty's Government on the steps taken to implement and enforce the measures contained in subparagraphs 3 (d) and (e) and paragraph 7 of the above-mentioned resolution (see annex). Please do not hesitate to contact me if you require any further information on any aspect of United Kingdom implementation and enforcement of resolution 1591 (2005).

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
to the United Nations

05-45381 (E) 080805

Annex to the letter dated 28 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Report of the United Kingdom pursuant to paragraph 3(a) vi of resolution 1591 (2005)

Introduction

1. Please see the relevant sections below for details of how the UK has implemented the measures contained in subparagraphs 3(d) and (e) and paragraph 7 of UNSCR 1591 (2005) within the UK's legal and administrative structure. The International Organisations Department of the Foreign and Commonwealth Office will ensure that details of individuals and entities designated with respect to these measures are transmitted to appropriate government departments and posts overseas.

Financial asset freeze

2. The UK has made provisions to implement the financial sanctions ("assets freeze") in subparagraph 3(e) of UNSCR 1591 (2005) by way of Sudan (United Nations Measures) Order 2005 using powers conferred by the United Nations Act 1946. The Order is based on the specific language and intention of the UNSCR, which it implements into UK law. The Order came into force on 12 May 2005 as Statutory Instrument (SI) no. 2005/1259.

Travel ban

3. The UK has made provision to implement the travel ban in subparagraph 3(d) of UNSCR 1591 (2005) using secondary legislation under Section 8B of the Immigration Act 1971 (as inserted by Section 8 of the Immigration and Asylum Act 1999). The current secondary legislation - The Immigration (Designation of Travel Bans) (Amendment) Order 2004 came into force on 16 December 2004. The Immigration Act provides for the exclusion from the UK of persons subject to either UN or EU restrictive travel measures which have been designated by Order. Under Section 8B unless one of the exceptions set out in the designating Order applies, an excluded person must either be refused leave to enter or remain in the UK, or have his existing leave cancelled.

4. Until designation by Order, since the effective date of UNSCR 1591 (2005), the travel ban is able to be implemented by the UK using administrative provisions contained within the Immigration Rules to ensure that named individuals are prevented from transiting or obtaining leave to enter the UK. This is done through personal exclusion by the Home Secretary or by an entry clearance officer or immigration officer using provisions in the Immigration Rules to refuse entry where it is considered conducive to the public good to do so, on grounds of the person's character, conduct or associations.

Arms Embargo

5. The UK implements the arms embargo in paragraph 7 of UNSCR 1591 (2005) as follows:

- The ban on the direct export of arms and related materiel of all types from the UK is implemented administratively through the provisions of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 (SI 2003/2964), as amended.
- The ban on the supply, or involvement in the supply, of arms and related materiel by our nationals anywhere in the world is covered by the provisions of the Trade in Controlled Goods (Embargoes Destinations) Order 2004 (SI 2004/318) where Sudan is a destination named in the Schedule to the Order.
- The ban on the supply of technical training and assistance related to the provision, manufacture, maintenance or use of arms and related materiel is implemented by Council Regulation (EC) 131/2004 as amended by Council Regulation (EC) 838/2005. Licensing and enforcement powers for the EC Regulations are provided for in the Sudan (Technical Assistance and Financing and Financial Assistance) (Penalties and Licences) Regulations 2004 (SI 2004/373).

UK Overseas Territories and Crown Dependencies

6. In the UK Overseas Territories, the arms embargo is implemented in the Sudan (Restrictive Measures) (Overseas Territories) Order 2004 (SI. No. 2004/349) as amended by the Sudan (Restrictive Measures) (Overseas Territories) (Amendment) Order 2004 (SI No.2004/1980). Financial sanctions are implemented by the Sudan (United Nations Sanctions) (Overseas Territories) Order 2005 No. 1258 which came into force 12 May 2005. In the UK Crown Dependencies the financial sanctions are implemented by the Sudan (United Nations Measures) (Isle of Man) Order 2005 No. 1463 and the Sudan (United Nations Measures) (Channel Islands) Order 2005 No. 1462. The travel ban is implemented administratively.

EU measures

7. On 18 July 2005 the European Union agreed Common Regulation *(EC) No* 1184/2005 to implement the measures in UNSCR 1591 (2005) in respect of the freezing of funds and economic resources of persons designated by the United Nations Sanctions Committee. On 30 May 2005 the European Union agreed Council Regulation (EC) No 838/2005 which brought the exemptions to the EU arms embargo against Sudan in line with UNSCR 1591 (2005).

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Security Council

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2 August 2005
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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 27 July 2005 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and, with reference to paragraph 3 (a) (vi) of resolution 1591 (2005), has the honour to submit the attached information regarding the steps that have been taken by Switzerland to implement the measures imposed by that resolution (see annex).

05-45387 (E) 110805 120805

Annex to the note verbale dated 27 July 2005 from the Permanent Mission of Switzerland to the United nations addressed to the Chairman of the Committee

Report submitted by Switzerland pursuant to Security Council resolution 1556 (2004) and resolution 1591 (2005)

In his note of 27 May 2005 the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan (hereinafter "the Committee") requested Switzerland to submit a report in accordance with paragraph 3 (a) (vi) of the resolution, which should include information on the steps taken by Switzerland to implement the measures imposed by paragraph 3 (d) and (e) and paragraph 7 of the resolution (together with paragraphs 7 to 9 of resolution 1556 (2004)).

On 25 May 2005 the Swiss Federal Council adopted an ordinance instituting measures against the Sudan (hereinafter "the ordinance", a copy of which is attached). Under that ordinance, which entered into force on 26 May 2005, Switzerland is implementing enforcement measures in accordance with resolutions 1556 (2004) and 1591 (2005). The legal basis for this ordinance is the Federal Law on the Implementation of International Sanctions of 22 March 2002.

Arms embargo

Article 1 of the ordinance specifies that the "supply, sale, transit as well as brokering of items of military equipment of any kind" intended for the Sudan [...] are prohibited. The same article also specifies that the "supply, sale and brokering of technical advice and training or assistance related to the supply, production, maintenance and use of [items of military equipment] goods are prohibited". Article 1 of the ordinance also provides for exceptions to the prohibitions in accordance with those specified in resolutions 1556 (2004) and 1591 (2005).

Before the entry into force of the ordinance, Switzerland ensured that the United Nations embargo was implemented through the Federal Law on War Materiel and the Federal Law on the Control of Goods of 13 December 1996 as well as their respective implementing regulations. It should be noted that no export of war materiel from Switzerland to the Sudan has been authorized during the past two years.

Travel ban and assets freeze

Article 2 of the ordinance provides for a freezing of assets and economic resources (including the ban on making assets or economic resources available to the persons or entities covered) in accordance with paragraph 3 (e) of resolution 1591 (2005). Article 4 of the ordinance bans entry into and transit through Switzerland in accordance with paragraph 3 (d) of the resolution. The names of persons and entities affected by these measures will be annexed to the ordinance as soon as the Committee issues a list of names.

Ordinance instituting measures against the Sudan of 25 May 2005 (status as at 31 May 2005)

The Swiss Federal Council,

In view of article 2 of the Law on Embargoes[1] of 22 March 2002,

In view of Security Council resolutions 1556 (2004) and 1591 (2005),[2]

Decrees as follows:

Section 1
Enforcement measures

Article 1
Ban on the supply of items of military equipment and related materiel

1. The supply, sale, transit and brokering of items of military equipment of any kind, including military weapons, ammunition, vehicles and equipment and paramilitary equipment, as well as accessories and spare parts thereof, are prohibited.

2. The supply, sale and brokering of technical advice and training or assistance related to the supply, production, maintenance and use of the items referred to in paragraph 1 are prohibited.

3. The State Secretariat for Economic Affairs may, after consulting the competent offices of the Federal Department of Foreign Affairs, authorize exceptions to the prohibitions specified in paragraphs 1 and 2:

(a) For supplies intended solely for the United Nations Mission in the Sudan (UNMIS);

(b) For supplies intended solely for monitoring, verification or peace support operations conducted by regional organizations;

(c) For the supply of non-lethal military equipment intended solely for humanitarian or protective use;

(d) For the supply of protective clothing (such as flak jackets) for use by United Nations personnel, media representatives and humanitarian aid workers;

(e) For support for the implementation of the Comprehensive Peace Agreement signed in Nairobi on 9 January 2005.

4. The provisions of the Law on the Control of Goods[3] of 13 December 1996 and the Federal Law on War Materiel[4] of 13 December 1996 shall not be prejudiced.

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[1] RS 946.231.

[2] http://www.un.org/french/documents/scres.htm.

[3] RS 946.202.

[4] RS 514.51.

Article 2
Freezing of assets and economic resources

1. The assets and economic resources belonging to or under the control of persons, enterprises or entities listed in the annex shall be frozen.

2. Assets may not be provided to persons, enterprises and entities covered by the freezing of assets, and assets and economic resources may not be made available to them directly or indirectly.

3. The State Secretariat for Economic Affairs may, by way of exception, after having consulted the competent offices of the Federal Department of Foreign Affairs and the Federal Department of Finance, authorize payments from frozen accounts and transfers of frozen capital assets and the release of frozen economic resources to protect Swiss interests or to prevent hardship cases.

Article 3
Definitions

Within the meaning of this ordinance, the following definitions shall apply:

(a) Assets mean all financial assets, including cash, cheques, monetary claims, bills of exchange, postal orders or other means of payment, deposits, debentures and certificates of indebtedness, securities and debt securities, share certificates, bonds, debt obligations, options, mortgage bonds, derivatives, interest receipts, dividends or other income or added value generated by capital assets, credits, entitlements to compensation, guarantee bonds, contract guarantees and other financial commitments; letters of credit, bills of lading, insurance contracts, fund unit securitization documents and other financial resources and any other export financing instrument;

(b) Freezing of assets means preventing any action allowing the management or use of assets other than normal administrative actions carried out by financial institutions;

(c) Economic resources mean securities of any kind, tangible or intangible, transferable or untransferable, in particular real estate and luxury items, other than assets within the meaning of subparagraph (a);

(d) Freezing of economic resources means any action to prevent their use in order to acquire assets, goods or services in any manner whatever, including through their sale, renting or mortgaging.

Article 4
Ban on entry into and transit through Switzerland

1. Natural persons listed in the annex shall be prohibited from entering into and transiting through Switzerland.

2. The Federal Office for Migration may grant waivers in accordance with the decisions of the competent United Nations Security Council committee or if the protection of Swiss interests so requires.

Section 2
Implementation and penal provisions

Article 5
Control and implementation

1. The State Secretariat for Economic Affairs shall monitor the implementation of enforcement measures under articles 1 and 2.

2. The Federal Office for Migration shall oversee the implementation of the ban on entry and transit under article 4.

3. Border control shall be the responsibility of the Federal Customs Administration.

4. Upon instructions from the State Secretariat for Economic Affairs, the competent authorities shall take the measures necessary for the freezing of economic resources, for example notification of freezing of the land register or the seizure or sealing of luxury items.

Article 6
Mandatory declaration

1. Persons or institutions who hold or manage assets or who have knowledge of economic resources which must be recognized as being subject to freezing in accordance with article 2, paragraph 1, must declare them without delay to the State Secretariat for Economic Affairs.

2. The declaration must include the name of the beneficiary and the object and the value of the frozen assets and economic resources.

Article 7
Penal provisions

1. Any person who violates the provisions of articles 1, 2 or 4 shall be liable to punishment in accordance with article 9 of the Law on Embargoes.

2. Any person who violates the provisions of article 6 shall be liable to punishment in accordance with article 10 of the Law on Embargoes.

3. The State Secretariat for Economic Affairs shall prosecute and try offences within the meaning of articles 9 and 10 of the Law on Embargoes; it may order seizures and confiscations.

Section 3
Entry into force

Article 8

This ordinance shall enter into force on 26 May 2005.

Annex
(Article 2, paragraph 1, and article 4, paragraph 1)

Natural persons, enterprises and entities subject to enforcement measures under articles 2 and 4

This annex does not contain any entries as the competent Security Council sanctions committee has not yet issued a list of names.

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 29 July 2005 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Canada to the United Nations presents its compliments to the Chairman of the Security Council Committee established under resolution 1591 (2005).

The Mission encloses herewith the first report of Canada on the measures it has taken to implement subparagraphs 3 (d) and (e) and paragraph 7 of resolution 1591 (2005).

05-45395 (E) 100805

Annex to the note verbale dated 29 July 2005 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

Report of Canada on the implementation of measures decided by the Security Council in its resolution 1591 (2005)

In his letter to the Permanent Representative of Canada to the United Nations, dated May 27, 2005, the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan (the Committee) requested information on steps taken by Canada to implement the measures imposed by subparagraphs 3 (d) and (e) and paragraph 7 of resolution 1591 (2005), namely a travel ban, an assets freeze and an arms embargo respectively.

Canada is pleased to inform the Committee of the steps taken to implement those measures, which are for implementation by all States.

Arms Embargo (Paragraph 7):The first implementation step was taken on September 23, 2004, with the coming into force of the *United Nations Sudan Regulations* (SOR/2004-197) (the *Regulations*), made by the Governor in Council of Canada to implement the arms embargo against non-governmental entities, including the Janjaweed militia, operating in the Darfur region of western Sudan, imposed by the Security Council in resolution 1556 (2004). The *Regulations* prohibit the export or supply of arms and related technical assistance to anyone in Sudan by anyone in Canada or by any Canadian outside of Canada. They also prohibit the use of Canadian registered ships or aircraft for the same purposes. Anyone who contravenes those prohibitions is liable to imprisonment for a term of not more than 10 years or a fine of C$100,000. The *Regulations* provide for exemptions for verification, monitoring or peace support missions, including such operations led by regional international organizations, which are authorized by the United Nations or are operating with the consent of the relevant parties.

The *Export and Import Permits Act* also assists in the implementation of UN Security Council trade sanctions. The *Export Control List* (ECL) is a list of goods that the Governor in Council of Canada deems necessary to control for enumerated purposes. Permits are required for the export of goods on the *Export Control List*. Under current export control policy guidelines, Canada closely controls the export of military goods and technology to countries that are under UN Security Council sanctions. No permits have been issued for any export of military goods and technology to the Sudan for several years - with the exception of the provision of military supplies, at the African Union's request, to the AU's mission in Sudan.

Travel Ban (Subparagraph 3 (d)): Canada's *Immigration and Refugee Protection Act* enables Canada to prevent the entry into or transit through its territory of all persons to be designated by the Committee pursuant to subparagraph 3 (c) of resolution 1591 (2005).

Assets Freeze (Subparagraph 3 (c)): On May 2, 2005, the Governor in Council of Canada made *Regulations Amending the United Nations Sudan Regulations* (SOR/2005-122), to implement the freeze of funds, other financial assets and economic resources in Canada, owned or controlled directly or indirectly by persons designated pursuant to subparagraph 3 (c) of resolution 1591 (2005) or held by entities owned or controlled, directly or indirectly, by such persons or by

persons acting on their behalf or at their direction. Those regulations which updated the original *United Nations Sudan Regulations* following the adoption of resolution 1591 (2005), prohibit, subject to the same penalties as mentioned above for the arms embargo, the dealing in funds, other financial assets and economic resources belonging to such persons or entities and the provision of properties of any kind to them. They also give effect to new exemptions to the arms embargo, decided by the Security Council in resolution 1591 (2005).

Ottawa, July, 29, 2005

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3 August 2005

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 21 July 2005 from the Permanent Mission of Liechtenstein to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Principality of Liechtenstein to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and wishes to communicate the following.

Liechtenstein has fully implemented the arms embargo, travel restrictions and asset freeze provided by Security Council resolutions 1556 (2004) and 1591 (2005). The relevant measures were incorporated into national law through the Government Ordinance on Measures concerning the Sudan, and violations are punishable in accordance with criminal law. Furthermore, by virtue of its customs union with Switzerland, the relevant Swiss laws and enforcement measures are applied with respect to the movements of goods and persons across the borders of Liechtenstein as well.

05-45375 (E) 090805